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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,967	10/01/2003	Adrian Mark Chandley	MSFT-2783/305412.01	8125

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EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/676,967	Applicant(s) CHANDLEY, ADRIAN MARK	
	Examiner Nam V. Nguyen	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-18, 20-33 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-18, 20-33 and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed October 3, 2006 by a request for continued examination.

An amendment to the claims 1, 7, 13, 22, 28, 34, 37-38 has been entered and made of record in the application of Helgeson for a "state validation using bi-directional wireless link" filed May 13, 2000.

Claims 7, 19 and 34 are cancelled.

Claims 1-6, 8-18, 20-33 and 35-38 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1-6, 8-12, 22-33 and 35-37, filed October 3, 2005 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 35 recites the limitation "said information" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 is also objected to because of the following informalities: Claim 35 depends on a canceled Claim 34. It is suggested to change Claim 35 depends on Claim 29.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant trying to claim a modulated data signal does not fall into any statutory categories of invention. There is no practical application of a modulated data signal as required under MPEP 2106 IV B 1(c).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9-11, 22-23, 25-30 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy (US# 6,087,937) in view of Klein (US# 6,011,473).

Referring to claims 1, 22, 28 and 37, McCarthy discloses an electronic device and a method for deterring theft of electronic devices (10) (i.e. a personal computer) (column 1 line 65 to column 2 line 56; see Figures 1 to 5), comprising:

in response to an indication that a device (10) (i.e. a personal computer) is lost (i.e. a customer calls the service provider and identify their personal computer that has been stolen), receiving by a receiver (22) of the device (10) a disabling signal targeting the device (10) remotely via a network (i.e. a telecommunications provider) (column 3 lines 47 to 62; see Figures 1 to 5); and

in response to receiving the disabling signal, electronically disabling the device (10) via a component (14) (i.e. a display screen) of the device (10) that cannot be removed without destroying the device (10) (column 3 lines 59 to 67; see Figures 1 to 5).

However, McCarthy did not explicitly disclose in response to receiving the disabling signal, transmitting from the device TCP/IP routing information corresponding to the device.

In the same field of endeavor of portable computer system, Klein teaches that in response to receiving the disabling signal (i.e. an activation signal to activate theft deterrence action), transmitting from the device TCP/IP routing information (i.e. location information of the portable computer system 120) corresponding to the device (120) (column 6 lines 55 to 67; see Figures 3 and 4) in order to locate the portable computer system and to deter theft of the portable computer system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize transmitting location information of the portable computer system to a remote receiver in response to the activation signal taught by Klein in the personal computer of

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McCarthy because transmitting a location information from the portable computer system would be able to locate the lost or stolen portable computer system easily and hopefully deter theft.

Referring to claims 2, 23 and 29, McCarthy in view of Klein disclose a security device as recited in claims 1, 22 and 28, McCarthy discloses wherein the network is at least one of a wireless network (column 3 lines 47 to 54; see Figure 4).

Referring to claims 3 and 30, McCarthy in view of Klein disclose a security device as recited in claims 1 and 28, McCarthy discloses further comprising: in response to receiving the disabling signal, displaying a message (i.e. "STOP! this computer is stolen, contact the police") via a display (14) of the device (10) (column 3 lines 56 to 67; see Figures 1 to 5).

Referring to claims 9, 25 and 36, McCarthy in view of Klein disclose a security device as recited in claims 1, 22 and 28, McCarthy discloses further including transmitting said disabling signal at least one of as plain text (column 2 lines 26 to 33; see Figure 4).

Referring to claims 10-11 and 26-27, McCarthy in view of Klein disclose a security device as recited in claims 1 and 22, McCarthy discloses a computer readable medium and a computing device comprising computer executable modules having computer executable instructions for carrying out the method of claims 1, 13 and 22 (column 1 line 65 to column 2 line 56; see Figures 1 to 5).

Claims 4-6, 8, 31-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy (US# 6,087,937) in view of Klein (US# 6,011,473) as applied to claims 1 and 28 above, and in view of Chesnutt (US# 5,966,081).

Referring to claims 4 and 31, McCarthy in view of Klein disclose a security device as recited in claims 1 and 22, however, McCarthy in view of Klein did not explicitly disclose wherein said disabling includes electronically disabling the device by changing the status of at least one connection in the device from one of (a) open to closed and (b) closed to open.

In the same field of endeavor of antitheft system in a portable consumer electronic, Chesnutt teaches that disabling includes electronically disabling the device (12) (i.e. a laptop computer) by changing the status of at least one connection in the device (12) from one of (a) open to closed and (b) closed to open (column 3 lines 20 to 47; see Figures 1 to 3) in order to put the computer system not to be operated.

One of ordinary skilled in the art recognizes the need to trips an internal programmable switch or changes the state of a non-volatile memory cell in a laptop computer taught by Chesnutt in a stolen mobile communication security device of McCarthy in view of Klein because McCarthy suggests it is desired to provide that the display unit within the stolen computer changes the visual output on being activated by a remotely transmitted signal (column 2 line 45 to 56; column 3 lines 47 to 67; see Figures 3 to 5) and Chesnutt teach that the antitheft device receives the deactivation code and trips an internal programmable switch or changes the state of a non-volatile memory cell in the laptop (column 3 lines 20 to 39; see Figures 2) in order to have the laptop not to be operated when the laptop is stolen. Therefore, it would have been

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obvious to a person of ordinary skill in the art at the time of the invention was made to trips an internal programmable switch or changes the state of a non-volatile memory cell in a laptop computer taught by Chesnutt in a stolen mobile communication security device of McCarthy in view of Klein with the motivation for doing so would have been to prevent theft from using the security device when such a security device is stolen.

Referring to claims 5 and 32, McCarthy in view of Klein disclose a security device as recited in claims 1 and 28, Chesnutt discloses wherein said disabling includes electronically disabling at least one subcomponent (70) (i.e. a post circuit) of the device (12) (column 3 lines 8 to 39; see Figures 2 and 3).

Referring to claims 6 and 33, McCarthy in view of Klein disclose a security device as recited in claims 1 and 28, Chesnutt discloses wherein said component (71) is a processor and said disabling includes electronically disabling the device (12) by disabling operation of at least a portion of the processor (71) (column 3 lines 8 to 39; see Figures 2 and 3).

Referring to claims 8 and 35, McCarthy in view of Klein disclose a security device as recited in claims 1 and 34, Chesnutt discloses further including locally entering a pre-defined code (i.e. re-enabling code) to the device (12) to re-enable operation of the device (12) (column 4 lines 49 to 60; see Figure 3).

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy (US# 6,087,937) in view of Klein (US# 6,011,473) as applied to claim 22 above, and in view of Struble et al. (US# 6,433,685).

Referring to claim 24, McCarthy in view of Klein disclose a security device as recited in claim 22, however, McCarthy in view of Klein did not explicitly disclose further comprising in response to receiving the disabling signal, transmitting information over at least one of (a) the network and (b) a second network to which the device is connected, said information providing a basis for resolving the location of the device.

In the same field of endeavor of antitheft system in a portable consumer electronic, Struble teaches that in response to receiving the disabling signal (i.e. a command signal), transmitting information (i.e. an article identification information) over at least one of the network (114) (i.e. a telecommunication network) which the device (202)(i.e. an article) is connected, said information providing a basis for resolving the location of the device (202) (column 2 line 11 to 28; column 6 line 64 to column 7 line 12; column 11 lines 33 to 53; see Figures 1 to 7) in order to locate a lost or stolen articles.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need for transmitting an article identification information to a detector over a network for locating a stolen or lost article taught by Struble in an apparatus for inhibiting the theft of an electronic device of McCarthy in view of Klein because locating a stolen article would recovered by a law enforcement agencies and returned the recovered article to their

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rightful owners that has been shown to be desirable in the security device of McCarthy in view of Klein.

Claims 13-18, 20-21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ungs (US# 7,034,659) in view of Klein (US# 6,011,473).

Referring to claims 13 and 38, Ungs discloses a computing device and a method for deterring theft of electronic devices (122) (i.e. electronic devices such as computer 122 or mobile phones 102) (column 1 line 51 to column 2 line 7; see Figures 1 to 3), comprising:

in response to a timeout condition (i.e. failed to confirm, for a predetermined set variable time interval, its connection to a network) associated with receiving a message via a network (124) targeted to the device (122) (i.e. a computer), electronically disabling the device (122) via a component of the device (122) that cannot be removed without destroying the device (column 3 lines 24 to 58; see Figure 1).

However, Ungs did not explicitly disclose transmitting from the device TCP/IP routing information corresponding to the device.

In the same field of endeavor of portable computer system, Klein teaches that transmitting from the device TCP/IP routing information (i.e. location information of the portable computer system 120) corresponding to the device (120) (column 6 lines 55 to 67; see Figures 3 and 4) in order to locate the portable computer system and to deter theft of the portable computer system.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize transmitting location information of the stolen or missing portable computer system to a remote receiver taught by Klein in the system for securing electronic devices of Ungs because transmitting a location information from the stolen or missing portable computer system would be able to locate the lost or stolen portable computer system easily and hopefully deter theft.

Referring to claim 14, Ungs in view of Klein disclose a method according to claim 13, Ungs discloses wherein the network (124) is at least one of a wireless network (column 2 lines 59 to 66; column 3 lines 1 to 5; see Figures 1 and 3).

Referring to claim 15, Ungs in view of Klein disclose a method according to claim 13, Ungs discloses further comprising: in response to receiving the disabling signal, displaying a message (i.e. error message) via a display of the device (column 4 lines 3 to 7).

Referring to claim 16, Ungs in view of Klein disclose a method according to claim 13, Ungs discloses wherein said disabling includes electronically disabling the device (122) by changing the status of at least one connection in the device (122) from one of open to closed (column 3 line 64 to column 4 line 11).

Referring to claim 17, Ungs in view of Klein disclose a method according to claim 13, Ungs discloses wherein said disabling includes electronically disabling at least one

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subcomponent (i.e. a control system) of the device (i.e. a motor vehicle) (column 4 lines 28 to 33).

Referring to claim 18, Ungs in view of Klein disclose a method according to claim 13, Ungs discloses wherein said component is a processor (i.e. a control system) and said disabling includes electronically disabling the device by disabling operation of at least a portion of the processor (i.e. restricting use to its maximum speed) (column 4 lines 12 to 33).

Referring to claims 20-21, Ungs in view of Klein disclose a security device as recited in claims 1 and 22, Ungs discloses a computer readable medium and a computing device comprising computer executable modules having computer executable instructions for carrying out the method of claim 13 (column 3 lines 30 to 34).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sheffer (US# 5,515,419) discloses a tracking system and method for tracking a movable object carrying a cellular phone unit, and integrated personal protection system incorporating the tracking system.

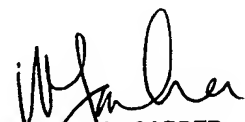
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571- 272-7308. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
December 28, 2006



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